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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL TODD SANZO,

Plaintiff,

vs.

JAMES G. COX, et al.,

Defendants.

Case No. 3:14-cv-00030-RCJ-WGC

**DEFENDANTS' MOTION FOR LEAVE TO
FILE CONFIDENTIAL EXHIBITS UNDER
SEAL IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Defendants, Colette Ball, Bruce Bannister, Giovanni Capra, James "Greg" Cox, Jon Garner, Dawn Jones, and Joon Lee, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby file their Motion for Leave to File Confidential Exhibits Under Seal in Support of Defendants' Motion for Summary Judgment.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF MOTION

Defendants seek to file Plaintiff's medical records and medical kites under seal to protect the Plaintiff's privacy interests in not having them placed in the public record. The Defendants seek leave to file these documents confidentially, under seal.

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1 **II. ARGUMENT**

2 **A. Leave Should Be Granted to File Sanzo's Medical Records and Medical Kites**
 3 **Under Seal**

4 Courts have recognized a general right of the public to inspect and copy public records
 5 and documents, including judicial records and documents. *Kamakana v. City and County of*
 6 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citations omitted). Documents that
 7 have been traditionally kept secret, including grand jury transcripts and warrant materials in a
 8 pre-indictment investigation, come within an exception to the general right of public access. *Id.*
 9 Otherwise, "a strong presumption in favor of access is the starting point." *Id.* (internal citations
 10 omitted).

11 On a showing of specific facts supporting compelling reasons for sealing records, the
 12 court should conscientiously weigh the compelling reasons against the public's right of
 13 access. *Id.* If the court finds the balance tips in favor of sealing the record, the court must
 14 articulate the factual basis for sealing the record without reliance on hypothesis or conjecture.
 15 *Id.* at 1179. Proof of a risk that use of the records "might . . . become a vehicle" for causing
 16 harm is "compelling reasons sufficient to outweigh the public's interest in disclosure and justify
 17 sealing court records." *Id.* at 1179 (internal quotation marks omitted).

18 Courts have consistently recognized that the need to protect sensitive medical
 19 information is a compelling reason to seal records. *See San Ramon Regional Medical Center,*
 20 *Inc. v. Principal Life Ins. Co.*, 2011 WL89931 at n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii*
 21 *Employers Mutual Ins. Co.*, 2010 WL4715793 at 1-2 (D.Hi. Nov. 15, 2010); *G. v. Hawaii*, 2010
 22 WL267483 at 1-2 (D.Hi. June 25, 2010); *Wilkins v. Ahern*, 2010 WL3755654 (N.D.Cal. Sept.
 23 24, 2010); *Lombardi v. TriWest healthcare Alliance Corp.*, 2009 WL 1212170 at 1 (D. Ariz.
 24 May 4, 2009).

25 Exhibits A, C, D, E, and J consist of portions of Plaintiff's NDOC medical and dental
 26 records. These documents give details regarding Plaintiff's medical history relevant to his
 27 complaint. There is little need for public disclosure of this information as compared to the
 28 significant interest in preserving the confidentiality of this private and sensitive information. To

1 preserve privacy, Defendants request that the Court allow them to file Plaintiff's medical
2 records and medical kites under seal.

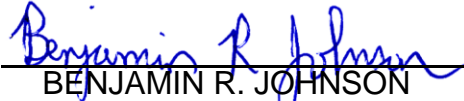
3 Plaintiff will not be prejudiced by this under seal filing as a copy of these documents will
4 be sent to his counsel.

5 **III. CONCLUSION**

6 Based on the foregoing arguments, it is respectfully requested the Court grant the
7 instant Motion for Leave to File Confidential Exhibits under Seal in Support of Defendants'
8 Motion for Summary Judgment.

9 DATED this 8th day of May, 2015.

10 ADAM PAUL LAXALT
11 Attorney General

12 By: 
13 BENJAMIN R. JOHNSON
14 Deputy Attorney General
15 Bureau of Litigation
16 Public Safety Division


17 *Attorneys for Defendants*
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 8th day of May, 2015 I caused to be served a copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE CONFIDENTIAL EXHIBITS UNDER SEAL IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**, by U.S. District

Court CM/ECF Electronic Filing to:

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An employee of the
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